

Application No. 10/533,407
Amendment dated February 28, 2008
After Final Office Action of December 28, 2007

Docket No.: 209546-97839

REMARKS

Claims 16-33 are pending in this application. By this paper, no claims have been amended, cancelled or added. Favorable reconsideration is respectfully requested in light of the following remarks.

I. Formal Matters

1. Applicant thanks Examiner Pendleton for providing the indication that claims 16-26 contain allowable subject matter.

2. Applicant thanks Examiner Pendleton for providing the indication that dependent claim 28 is objected to as containing allowable subject matter. However, Applicant respectfully submits that base, independent claim 27 is allowable over the art of record and therefore respectfully declines the invitation to amend claim 27 to include the limitations of dependent claim 28 at this time.

II. 35 U.S.C. § 102

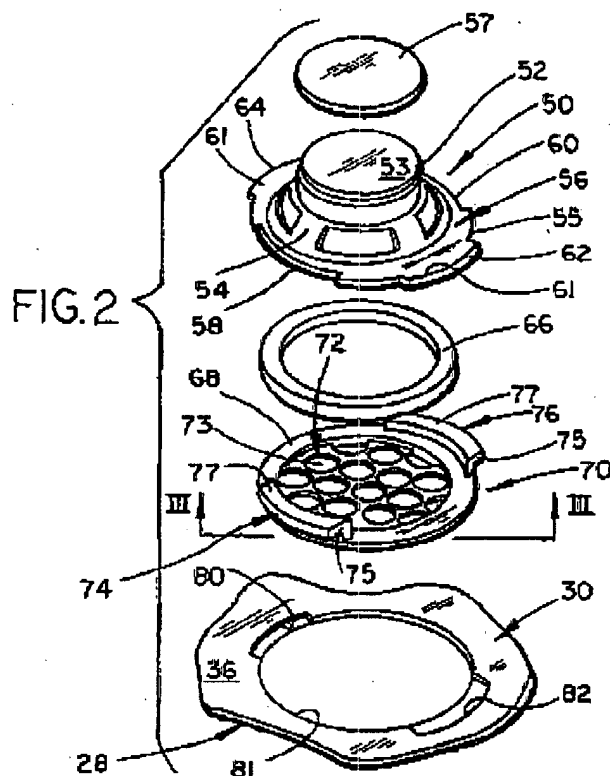
The Office action rejected claims 27 and 29-33 under 35 U.S.C. §102(b) over U.S. Patent No. 5,699,438 to Smith ("Smith"). The rejection is respectfully traversed.

The Office Action indicates that Smith discloses the following limitations of independent claim 27: "*an attachment member integrally formed with said inner surface of the trim panel, wherein the attachment member includes means for simultaneously ramping and rotationally moving the acoustic device about an axis extending through the acoustic device and trim panel to axially move the acoustic device relative the trim panel about the axis*" (emphasis added). Applicant respectfully disagrees.

Firstly, the Office Action indicates that the claimed "attachment member" is shown at "74, 76, 80, 82" in Smith. See Office Action at page 2. However, as seen in Smith's Figure 2 below, "74, 76" are locking flanges of a locking member "70" and "80, 82" are slots of a headliner substrate "30." The locking member "70" is not integral with Smith's "substrate," which is seen at "30", and therefore, the locking flanges "74, 76" are also not integral with the substrate.

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Accordingly, in view of the above, Applicant respectfully asks how "74, 76" of Smith can support a rejection of the claimed attachment member being *integral* with the trim panel "30", when, in fact, Smith's "trim panel" at "30" does not integrally include the locking flanges "74, 76"? Thus, Smith does not anticipate the invention in at least this respect and the rejection should be withdrawn.

Secondly, the Office Action indicates that Smith discloses the claimed "means for simultaneously ramping and rotationally moving" *"via leg "75" in figure 2...see rotation of member "70" and compression which is facilitated via the length of leg "75," as discussed in Col 4:59-62"* See Office Action at page 2. Applicant respectfully disagrees.

Although the Office Action indicates that the above limitation is anticipated at column 4, lines 59-62, Applicant is unable to locate this alleged teaching. Accordingly, Smith appears to teach the following steps for mounting the speaker to the trim panel at column 4, line 63 – column 5, line 16:

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For installation, the speaker is mounted to the locking member 70 first with flanges 74, 76 engaging slots 58, 60. Next, the tabs 62, 64 of the speaker flanges are aligned with slots 82, 80 of the headliner substrate 30 and are pressed downwardly flexing the flexible headliner substrate material

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sufficiently to allow tabs 62, 64 to pass through speaker mounting aperture 81 of the headliner substrate and clear the surface 38 of the headliner substrate in the area adjacent the aperture 81. The flexible nature of the headliner substrate 30 allows deflection of the headliner around the periphery of mounting aperture 81 sufficient to allow tabs 62, 64 to clear the lower surface 38 of the headliner substrate at which time the speaker and locking member or ring 70 are rotated approximately 90° until the raised arcuate lands 79 of the locking flanges of member 70 snap into and interlock with locking slots 80, 82 thereby locking the speaker in position with respect to the headliner. In this position, as best seen in FIG. 5, the first or upper surface 61 of each of the tabs 62, 64 engage the second surface 38 of the headliner substrate 30 in an area around the periphery of opening 81, approximately 90° from the entry slots 80, 82. It is noted that the

As seen above, first, the speaker (50) is mounted to the locking member (70). Then, tabs (62, 64) of the speaker (50) are pressed into slots (80, 82) of the headliner (30). Then, the speaker (50) and locking ring (70) are rotated such that lands (79) of the locking ring (70) engage the headliner (30).

In view of the above summary, Applicant is able to locate mention of rotation of the speaker (50) (with the locking ring) at column 5, line 8; however, Applicant notes that there is no mention of the *simultaneous ramping and rotation* of the speaker as the speaker is mounted to the headliner. Applicant submits that "compression" alleged by the Office Action does not encompass "ramping" and respectfully asserts that equating compressing with ramping is improper.

Further, Applicant respectfully asks the following question: how may the speaker (50) be rotated *and ramped* about Smith's alleged integral attachment member at "74, 76" when, in fact, Smith's speaker (50) is mounted to the locking ring (70) that actually includes the locking flanges / alleged integral attachment member (74, 76)? Given the above, Applicant submits that Smith does not disclose, teach or suggest at least this feature and, therefore, Smith is unable to anticipate the claimed invention.

Withdrawal of the rejection of claim 27 is hereby requested. Claims 28-33 depend from claim 27 and include allowable limitations. Allowance of claims 27-33 is hereby requested.

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Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 209546-97839 from which the undersigned is authorized to draw.

Dated: 2/19/2008

Respectfully submitted,

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